

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4839 of 2017

Arising Out of PS.Case No. -4 Year- 2016 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Pradip Singh @ Bhikhari Singh, S/o Late Mahavir Singh,
2. Dharmendra Singh @ Dharmendra Kumar Singh, S/o Late Mahavir Singh.
3. Biresh Kumar @ Biresh Kumar Singh @ Brijesh Singh, S/o Late Mahavir Singh.
4. Ranjan Kumar Singh, S/o Late Mahavir Singh. All R/o Village- Parsuana, P.S.- Sangrampur, District- East Champaran.
5. Bhagreti Devi @ Bhagirathi Devi, W/o Late Ram Naresh Thakur, D/o Late Mahavir Singh, R/o Village- Tiwaritola, P.S. Sangrampur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate
For the Opposite Party/s : Mr. Sri Ram Anurag Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 14-02-2017 Heard the parties.

This application has been filed in connection with Sangrampur P.S. Case No. 04 of 2016 for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that there is delay of 7 days in lodging the First Information Report. However, prior to, the petitioner No. 2 had filed a case against the informant and others in which the petitioner No. 2 has received



injuries. So far present case is concerned, it is alleged that the petitioner No. 1 assaulted by lathi to the son of the informant and petitioner No. 4 assaulted the informant by iron-rod and petitioner Nos. 3 and 5 assaulted by lathi to the father of the informant but in the case diary there is no injury available and the father of the informant, which appears from the order of the District Judge and annexed as Annexure-3 to this petition shows that injury is simple in nature and petitioners have falsely been implicated in this case only because they have filed a case against the informant and others.

Heard learned A.P.P. also.

Having heard both sides. In view of the fact that there is a case earlier filed by the petitioners in which the petitioner No. 2 and others have received injury and in the present case there is simple injury, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Sangrampur P.S. Case No. 04 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.



With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the trial of the case and make themselves available as and when required by the Police and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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